

Falls Church, Virginia 22041

File: D2017-0367

Date: NOV 13 2017

In re: Nathan D. VANDERHOOFVEN a.k.a. Nathan Derek Vanderhoofven, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

ON BEHALF OF DHS: Jeannette V. Dever
Associate Legal Advisor

The respondent will be suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS") for 1 year and 1 day.

On August 18, 2017, the presiding disciplinary judge of the Supreme Court of Colorado issued an "Order Approving Conditional Admission of Misconduct and Imposing Sanctions." The judge suspended the respondent from the practice of law in Colorado for 1 year and 1 day, effective September 22, 2017, based on the respondent's misconduct concerning immigration clients. The Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts on September 26, 2017, and stated that the respondent remains suspended from the practice of law in Colorado, as of the date of its filing.

The DHS asked that the respondent be similarly suspended from practice before that agency. We granted the petition on October 18, 2017.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. 8 C.F.R. § 1003.105 (2017). The respondent's failure to file a response within the time period prescribed in the Notice of Intent to Discipline constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(d)(1).

The Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for 1 year and 1 day. The DHS asks the Board to extend that discipline to practice before that agency as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate, in light of the discipline imposed against the respondent in Colorado. Further, as the respondent is currently under our October 18, 2017, order of suspension, we will deem his suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 1 year and 1 day. The suspension is deemed to have commenced on October 18, 2017.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against him.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.

A handwritten signature in black ink, appearing to read "Clemens", is written above a horizontal line.

FOR THE BOARD